



8. Blue Spike, LLC denies the allegations of Paragraph 8.

**COUNT TWO**  
**(Declaratory Judgment of Invalidity of the '175 Patent)**

9. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-8.
10. Blue Spike, LLC admits the allegations of Paragraph 10.
11. Blue Spike, LLC denies the allegations of Paragraph 11.
12. Blue Spike, LLC denies the allegations of Paragraph 12.

**COUNT THREE**  
**(Declaratory Judgment of Non-Infringement of the '494 Patent)**

13. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
14. Blue Spike, LLC admits the allegations of Paragraph 14.
15. Blue Spike, LLC denies the allegations of Paragraph 15.
16. Blue Spike, LLC denies the allegations of Paragraph 16.

**COUNT FOUR**  
**(Declaratory Judgment of Invalidity of the '494 Patent)**

17. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 13-16.
18. Blue Spike, LLC admits the allegations of Paragraph 18.
19. Blue Spike, LLC denies the allegations of Paragraph 19.
20. Blue Spike, LLC denies the allegations of Paragraph 20.

**COUNT FIVE**  
**(Declaratory Judgment of Non-Infringement of the '700 Patent)**

21. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
22. Blue Spike, LLC admits the allegations of Paragraph 22.
23. Blue Spike, LLC denies the allegations of Paragraph 23.
24. Blue Spike, LLC denies the allegations of Paragraph 24.

**COUNT SIX**  
**(Declaratory Judgment of Invalidity of the '700 Patent)**

25. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 21-24.
26. Blue Spike, LLC admits the allegations of Paragraph 26.
27. Blue Spike, LLC denies the allegations of Paragraph 27.
28. Blue Spike, LLC denies the allegations of Paragraph 28.

**COUNT SEVEN**  
**(Declaratory Judgment of Non-Infringement of the '472 Patent)**

29. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
30. Blue Spike, LLC admits the allegations of Paragraph 30.
31. Blue Spike, LLC denies the allegations of Paragraph 31.
32. Blue Spike, LLC denies the allegations of Paragraph 32.

**COUNT EIGHT**  
**(Declaratory Judgment of Invalidity of the '472 Patent)**

33. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 29-32.

34. Blue Spike, LLC admits the allegations of Paragraph 34.

35. Blue Spike, LLC denies the allegations of Paragraph 35.

36. Blue Spike, LLC denies the allegations of Paragraph 36.

**COUNT NINE**  
**(Declaratory Judgment of Non-Infringement of the '728 Patent)**

37. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.

38. Blue Spike, LLC admits the allegations of Paragraph 38.

39. Blue Spike, LLC denies the allegations of Paragraph 39.

40. Blue Spike, LLC denies the allegations of Paragraph 40.

**COUNT TEN**  
**(Declaratory Judgment of Invalidity of the '728 Patent)**

41. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 37-40.

42. Blue Spike, LLC admits the allegations of Paragraph 42.

43. Blue Spike, LLC denies the allegations of Paragraph 43.

44. Blue Spike, LLC denies the allegations of Paragraph 44.

**EXCEPTIONAL CASE**

45. Blue Spike, LLC denies the allegations of Paragraph 45.

**PRAYER FOR RELIEF**

Blue Spike, LLC denies that Defendant is entitled to any of the relief it requests.

**REQUEST FOR RELIEF**  
**PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's Amended Complaint, Blue Spike, LLC respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike, LLC its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Blue Spike, LLC as the Court may deem just and proper.

Respectfully Submitted,

/s/ Randall T. Garteiser

Randall T. Garteiser

California Bar No. 231821

rgarteiser@ghiplaw.com

Christopher A. Honea

California Bar No. 232473

chonea@ghiplaw.com

Ian N. Ramage

California Bar No. 224881

iramage@ghiplaw.com

Kirk J. Anderson

California Bar No. 289043

kanderson@ghiplaw.com

Peter S. Brasher

California Bar No. 283992

pbrasher@ghiplaw.com

**GARTEISER HONEA, P.C.**

218 N. College Ave.

Tyler, Texas 75702

Telephone: (903) 705-7420

Facsimile: (888) 908-4400

***Counsel for Blue Spike LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5-1 on October 20, 2014.

/s/ Randall T. Garteiser  
Randall T. Garteiser